

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILFRED McFIELD,)	
)	
Petitioner)	Civil Action
)	No. 08-cv-5051
vs.)	
)	
)	
SUPERINTENDENT RAYMOND LAWLER,)	
DISTRICT ATTORNEY OF THE COUNTY)	
OF PHILADELPHIA, and)	
ATTORNEY GENERAL OF THE STATE)	
OF PENNSYLVANIA,)	
)	
Respondents)	

O R D E R

NOW, this 30th day of April, 2009, upon consideration of the Petition for Writ of Habeas Corpus filed October 23, 2008 by petitioner pro se; upon consideration of the Response to Petition for Writ of Habeas Corpus, which response was filed March 25, 2009 by respondents; upon consideration of the Report and Recommendation of United States Magistrate Judge Lynne A. Sitarski filed April 7, 2009; it appearing that as of the date of this Order, petitioner has not filed any objections to the Report and Recommendation of Magistrate Judge Sitarski; it further appearing after review of this matter that Magistrate Judge Sitarski's Report and Recommendation correctly determined the legal and factual issues presented in the petition for habeas corpus relief,

IT IS ORDERED that Magistrate Judge Sitarski's Report and Recommendation is approved and adopted.

IT IS FURTHER ORDERED that the Petition for Writ of Habeas Corpus is dismissed.

IT IS FURTHER ORDERED that because petitioner has not met statutory requirements to have his case heard, and no reasonable jurist could find this procedural ruling debatable, and because petitioner fails to demonstrate denial of a constitutional right, a certificate of appealability is denied.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this matter closed for statistical purposes.

BY THE COURT:

/s/ James Knoll Gardner
James Knoll Gardner
United States District Judge